IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 10211 of 2004

Between:

P. Tatabbai, S/o Atchi Raju, Aged about 49 years, Boat Driver, Water Fleet Unit, Vijayawada, Krishna District.

..... PETITIONER

AND

1 The Chairman and Managing Director, A.P. Tourism Development Corporation Limited, Himayatnagar, Hyderabad-29.
2 The Executive Director (P&A), A.P. Tourism Development Corporation Ltd, Himayatnagar, Hyderabad-29.
3 The Divisional Manager, A.P. Tourism Development Corporation Ltd, Vijayawada, Krishna District,

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus declaring the action of 2nd respondent in issuing Procs.Rc.No. APTDC/Admn./C. Aptt/2004 dt. 11-5-2004 as illegal, arbitrary and set aside the same and consequently direct the respondents to continue the petitioner at Vijayawada by considering his representation which was submitted in 3rd week of May, 2004,

For the Petitioner:MR.K.VENKATESWARLU, Advocate.

For the Respondents.: MR.N.KRISHNA RAO, Advocate

The Court Made the Following order:

The petitioner was transferred from Vijayawada to Vizag by impugned proceedings, dated 11.05.2004. Questioning the same, the present writ petition is filed.

The learned counsel for the petitioner contended that at his request only the petitioner was transferred to Vijayawada and without completing his full term of three years, he was again transferred to Vizag division. He further contended that two legs of petitioner's daughter were fractured and she is taking treatment in the hospital at Vijayawada. Therefore, he prays to set aside the impugned proceedings.

On the other hand, the learned counsel appearing for the respondents contended that the petitioner was transferred on administrative grounds and therefore, the petitioner cannot have any right to question the transfer order. There cannot be any dispute that the transfer is an incidence of service and the employee cannot question the transfer unless it was made by way of punishment.

As seen from the impugned proceedings, the petitioner

was transferred on administrative grounds. Therefore, the transfer order does not suffer from any legal infirmities. However, it is brought to the notice of this Court by the learned counsel for the petitioner that the petitioner gave a representation in the third week of May, 2004 for his retention at Vijayawada and the same has to be considered by the respondents.

Therefore, the writ petition is disposed of at the stage of admission, with a direction to the respondents to consider the representation of the petitioner on medical grounds and pass appropriate orders, within one week from the date of receipt of a copy of this order. Under the circumstances, no costs.

ASSISTANT REGISTRAR

22nd June, 2004

//True copy//

SECTION OFFICER

Copy to:

1. The Chairman and Managing Director, A.P.Tourism Development Corporation Ltd., Himayatnagar, Hyderabad.
2. The Executive Director (P&A), A.P.Tourism Development Corporation Ltd., Himayatnagar, Hyderabad-29
3. The Divisional Manager, S.P.Tourism Development Corporation Ltd., Vijayawada, Krishna District.
4. Two C.D. copies.

Note:

CC by tomorrow.
(Bo)
sj/dsk

THE HON'BLE MR JUSTICE K.C. BHANU

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22nd June, 2004